



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Paavo Ogren, Director

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January 15, 2013

TO: Dan Buckshi, County Administrator

FROM: Will Clemens, Department Administrator *WC*

VIA: Dave Flynn, Deputy Director of Public Works *DF*

SUBJECT: FY12-13 Second Quarter Report - Request for Relief from Accountability

Summary

The Public Works Department requests relief from accountability for the "Engineering Checking and Inspection Agreement" (Agreement) charges that have been determined non-collectible. This action will remove the non-collectible balance totaling \$2,497.99.

Discussion

Within the Public Works Department, Development Services provides engineering and surveying services for land development benefiting the private development community, the County, and other public agencies. Development Services' revenues include direct billings related to the review of land development requests for subdivision and planned developments, and are deposited into the County's General Fund.

In this case, Development Services provided Parcel Map application and inspection services to Gene Barre in Atascadero between 2008 and 2011. After exhausting collections efforts, Mr. Barre's balance due remains \$2,497.99, as displayed on Attachment A.

Public Work's normal collection procedure for delinquent Agreement accounts includes making several attempts to contact the applicant for payment. If internal collection efforts are unsuccessful, the account is handled by The Credit Bureau of San Luis Obispo, which retain 50% of any successful collection.

This account was sent to collections in 2012, resulting in receipt of \$1,523.70 and this Request for Relief from Accountability of \$2,497.99 as shown below:

\$3,047.40	Mr. Barre's balance due to Public Works
<u>974.29</u>	Public Works finance charges due [1]
\$4,021.69	Balance due
\$ 3,047.40	Collected by The Credit Bureau
<u>(1,523.70)</u>	Retained by The Credit Bureau (commission) [2]
\$1,523.70	Issued to Public Works by The Credit Bureau

\$ 974.29	Finance charges [1]
<u>1,523.70</u>	Retained by The Credit Bureau (commission) [2]
\$2,497.99	Request for Relief from Accountability

Other Agency Involvement

The Administrative office presents this item for approval to the Board of Supervisors and the Auditor-Controller's office processes the journal entry to adjust the accounts receivable balance.

Financial Considerations

This write off has an insignificant impact on the General Fund.

Desired Results

Removal of this non-collectible account from accounts receivable will terminate collection efforts and remove the item from delinquent reports.

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ATTACHMENT "A"

ENGINEERING CHECKING AND INSPECTION AGREEMENT

WHEREAS, Gene Barre of the County of San Luis Obispo, State of California, hereinafter referred to as "Applicant," has applied for, and received, preliminary approval of Parcel Map (hereinafter "Project") from San Luis Obispo County, a political subdivision of the State of California, hereinafter referred to as "County";

NOW, THEREFORE, THIS AGREEMENT made and entered into this Sept day of 19th, 2006, by and between the Applicant and the County;

WITNESSETH:

1. The Applicant shall reimburse the County for the cost of checking of the subdivision map, the Project improvement plans, and the cost of inspection of any such improvements by the San Luis Obispo County Department of Public Works. For all services rendered by County personnel, the Applicant shall be charged and pay to the County the actual cost. The County shall invoice the Applicant for such plan checking and/or inspection costs, if any; and amounts unpaid thirty (30) days from the date of the County's invoice shall bear interest at the rate of 1½% per month beginning thirty (30) days after the date of said invoice.

2. Permission is hereby granted to the County, or its authorized agent, to enter upon the land which is the subject of the Project for the purpose of inspection of any and/or all work to be done under the agreement.

3. The Applicant shall employ an engineer of work to provide inspection during the course of construction, to certify to the County Department of Public Works that the improvements were installed in accordance with approved plans, and to submit as-built plans to the County Department of Public Works. If the engineer of work is other than the designing engineer or is replaced during the course of construction, the County Department of Public Works shall be notified in writing; and each such engineer of work shall certify as to their respective involvement. The County Department of Public Works may make such additional inspections as is deemed necessary and shall be available to review field conditions and/or proposed changes with the engineer of work.

4. It is understood and agreed by and between the Parties hereto that this agreement shall bind the heirs, executors, administrators, successors and assigns of the respective Parties to this agreement.

5. The Applicant shall defend, indemnify and save harmless the San Luis Obispo County, its officers, agents and employees from any and all claims, demands, damages, costs, expenses, or liability occasioned by the performance or attempted performance of the provisions hereof, or in any way arising out of this Agreement, including, but not limited to, inverse condemnation, equitable relief, or any wrongful act or any negligent act or omission to act on the part of the Applicant or of agents, employees or independent contractors directly responsible to the Applicant, providing further that the foregoing shall apply to any wrongful acts, or any actively

or passively negligent acts or omissions to act, committed jointly or concurrently by the Applicant, the Applicant's agents, employees, or independent contractors. Nothing contained in the foregoing indemnity provisions shall be construed to require the Applicant to indemnify the County against any responsibility or liability in contravention of Section 2782 of the Civil Code.

IN WITNESS WHEREOF the Applicant has hereunto set his hand and the County has caused these presents to be signed and its corporate seal hereto affixed by its duly sworn and authorized officers the day and year first hereinabove written.

Gene Barre
Applicant

COUNTY OF SAN LUIS OBISPO
NOEL KING, Director of Public Works

By: Richard Marshall
RICHARD MARSHALL,
Development Services Engineer

BILLING ADDRESS:

Gene Barre
Name

[REDACTED]
Street and P.O. Box

[REDACTED]
City State Zip

[REDACTED]
Phone Number (8:00 a.m.-5:00 p.m.)

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10/25/12

SAN LUIS OBISPO COUNTY
Customer Balance Detail

As of October 25, 2012

Type	Date	Num	Account	Amount	Balance
201R11E494 - (COLLECTIONS) BARRE					0.00
Invoice	11/13/2008	4952	SURVEYOR-P ...	1,752.07	1,752.07
Invoice	1/15/2009	4982	SURVEYOR-P ...	917.27	2,669.34
Invoice	4/15/2009	5035	SURVEYOR-P ...	54.94	2,724.28
Invoice	6/30/2009	5064	SURVEYOR-P ...	234.51	2,958.79
Invoice	10/1/2009	FC 5913	SURVEYOR-P ...	110.63	3,069.42
Invoice	10/31/2009	FC 6021	SURVEYOR-P ...	12.69	3,082.11
Invoice	11/30/2009	FC 6064	SURVEYOR-P ...	30.40	3,112.51
Invoice	12/31/2009	FC 6105	SURVEYOR-P ...	31.73	3,144.24
Invoice	1/31/2010	FC 6155	SURVEYOR-P ...	32.05	3,176.29
Invoice	1/31/2010	5143	SURVEYOR-P ...	29.54	3,205.83
Invoice	2/28/2010	FC 6218	SURVEYOR-P ...	29.42	3,235.25
Invoice	2/28/2010	5160	SURVEYOR-P ...	59.07	3,294.32
Invoice	3/31/2010	FC 6279	SURVEYOR-P ...	33.39	3,327.71
Invoice	4/30/2010	FC 6306	SURVEYOR-P ...	32.82	3,360.53
Invoice	5/31/2010	FC 6339	SURVEYOR-P ...	34.25	3,394.78
Invoice	6/30/2010	FC 6393	SURVEYOR-P ...	33.48	3,428.26
Invoice	7/31/2010	FC 6406	SURVEYOR-P ...	34.94	3,463.20
Invoice	8/31/2010	FC 6440	SURVEYOR-P ...	35.30	3,498.50
Invoice	9/30/2010	FC 6496	SURVEYOR-P ...	34.50	3,533.00
Invoice	10/31/2010	FC 6538	SURVEYOR-P ...	36.01	3,569.01
Invoice	11/30/2010	FC 6571	SURVEYOR-P ...	35.20	3,604.21
Invoice	12/31/2010	FC 6602	SURVEYOR-P ...	36.74	3,640.95
Invoice	1/31/2011	FC 6647	SURVEYOR-P ...	37.11	3,678.06
Invoice	2/28/2011	FC 6695	SURVEYOR-P ...	33.86	3,711.92
Invoice	3/31/2011	FC 6706	SURVEYOR-P ...	37.84	3,749.76
Invoice	4/30/2011	FC 6751	SURVEYOR-P ...	36.98	3,786.74
Invoice	5/31/2011	FC 6766	SURVEYOR-P ...	38.61	3,825.35
Invoice	6/30/2011	FC 6797	SURVEYOR-P ...	37.72	3,863.07
Invoice	7/31/2011	FC 6826	SURVEYOR-P ...	39.38	3,902.45
Invoice	8/31/2011	FC 6856	SURVEYOR-P ...	39.78	3,942.23
Invoice	9/30/2011	FC 6887	SURVEYOR-P ...	38.87	3,981.10
Invoice	10/31/2011	FC 6917	SURVEYOR-P ...	40.59	4,021.69
Invoice	11/30/2011	FC 6942	SURVEYOR-P ...	39.65	4,061.34
Invoice	12/31/2011	FC 6973	SURVEYOR-P ...	41.40	4,102.74
Credit Memo	1/12/2012	5350	SURVEYOR-P ...	(81.05)	4,021.69
Payment	10/24/2012	051146	SURVEYOR-P ...	(1,523.70)	2,497.99
Total 201R11E494 - (COLLECTIONS) BARRE				2,497.99	2,497.99
TOTAL				2,497.99	2,497.99



DEPARTMENT OF SOCIAL SERVICES

3343 South Higuera Street, P.O. Box 8119, San Luis Obispo, CA 93403-8119

TO: BOARD OF SUPERVISORS

FROM : Leland W. Collins
Director, Social Services

DATE: January 18, 2013

SUBJECT: REQUEST FOR RELIEF FROM ACCOUNTABILITY

Recommendation

It is recommended that your Board approve a Request for Relief from Accountability in the amount of \$56,071.80 for the CalWORKs Assistance Program.

Discussion

State Fiscal Manual Section 25-480 and Government Code Section 25257 require the Department of Social Services to obtain Board approval for discharge of accountability for debts owed as the result of the overpayment of public assistance benefits.

Since Welfare and Institutions Code 10850 requires that the names of individuals be held confidential, the Department is providing a summary by program of these debts.

State regulations dictate the division of overpayments and over-issuances between client caused and administratively caused errors. Administrative overpayments occur when staff calculates benefit levels or interpret regulations incorrectly resulting in the payment of a higher level of benefits than should have been issued. Non-administrative overpayments occur as a result of participant failure to report important facts.

Rules and regulations governing CalWORKs aid payments are complex, change frequently and mandate that certain overpayments cannot be billed. The State Manual of Policies and Procedures Eligibility and Assistance Standards (MPP EAS) Regulation 44-350.161[b] and 44-352.3 state that no further collection efforts shall be made if the county determines that the cost to collect the overpayment exceeds the amount to be recovered, if the debtor dies, or if the debtor is unlocatable. Examples of overpayments which cannot be billed include: debts where balances are less than \$10.00; Administrative claims with a balance of less than \$35.00; claims for which recoupment is not cost effective; claims against debtors whose whereabouts are unknown or debtors no longer on aid, claims against debtors now deceased; and claims against debtors who have filed for bankruptcy.

These debts may have originated many years ago. During these years, the Department has pursued all available means of collection, including repayment agreements, recoupments,

welfare benefit reductions and Tax Intercept. After many years of no collection activity, these amounts were determined as appropriate to be written-off during the time period from October, 2010 through September, 2012.

Other Agency Involvement

None.

Financial Considerations

This request is for Relief from Accountability for AFDC/CalWORKs overpayment debts for the following amounts and reasons for uncollectability:

<u>Amount</u>	<u># of Debts</u>	<u>Reason for Uncollectability</u>
\$42,872.38	54	Deceased debtors
\$ 107.92	15	Total Claims less than \$35.00
\$ 7,505.50	8	Overpayments discharged as a result of debtor bankruptcy
\$ 5,586.00	7	Uncollectable - Unable to locate
\$56,071.80	84	Total CalWORKs Request for Relief

Currently, for the period covering October 2010 through September 2012 the total figure for **84** uncollectible CalWORKs overpayments is **\$56,071.80** with a **County share of cost totaling \$1,401.92.**

Results

Throughout the years the Board has approved requests for relief of accountability from our Department. By relieving the Department of the requested **\$56,071.80**, collection staff will be released from the task of reviewing and maintaining records of debts that are no longer collectable for the aforementioned reasons.